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IN THE
COURT OF APPEALS OF INDIANA

BRADLEY K. LAWRENCE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 84A05-0904-CR-202
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE VIGO SUPERIOR COURT
The Honorable David R. Bolk, Judge
Cause No. 84D03-0404-FC-1210

October 20, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Defendant Bradley Lawrence appeals the trial court's revocation of two years of his previously-suspended four-year sentence following his admitted probation violations. We affirm.

FACTS AND PROCEDURAL HISTORY

On April 5, 2005, Lawrence was convicted, pursuant to a guilty plea, of Class C felony Battery Resulting in Serious Bodily Injury. The trial court sentenced Lawrence to six years in the Department of Correction, with two years executed and four years suspended to probation. Lawrence served the executed portion of his sentence and was placed on probation. On June 16, 2008, Lawrence's probation officer filed a notice of probation violations alleging that Lawrence had failed to report to the Vigo County Adult Probation Department since March 7, 2008, and moved without leaving a forwarding address. On August 4, 2008, Lawrence's probation officer filed an amended notice of probation violations adding as additional alleged violations that Lawrence had tested positive for amphetamines on July 10 and 17, 2008, and that he had failed to take two weekly drug screens. On October 15, 2008, Lawrence's probation officer filed a second amended notice of probation violations, alleging that Lawrence had again tested positive for amphetamines on August 5, 2008, and that he had not reported to the probation department since August 4, 2008.

At a March 19, 2009 probation violation hearing, Lawrence admitted all of the above violations. The trial court subsequently terminated Lawrence's probation and ordered him to serve two years of his four-year suspended term in the Department of Correction. In doing so, the trial court took note of Lawrence's extensive and violent

criminal history, which included prior convictions for Class B felonies robbery and criminal confinement and Class C felony battery resulting in serious bodily injury. This appeal follows.

DISCUSSION AND DECISION

Upon appeal, Lawrence argues that the trial court's revocation of his probation and imposition of a two-year executed sentence constituted an excessive penalty given his efforts to reform himself. Probation is a matter of grace left to trial court discretion, not a right to which a criminal defendant is entitled. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). The trial court determines the conditions of probation and may revoke probation if the conditions are violated. *Id.* (citing Ind. Code § 35-38-2-3 (2007)). Once a trial court has exercised its grace by ordering probation rather than incarceration, the judge should have considerable leeway in deciding how to proceed. *Id.* If this discretion were not afforded to trial courts and sentences were scrutinized too severely on appeal, trial judges might be less inclined to order probation to future defendants. *Id.* Accordingly, a trial court's sentencing decisions for probation violations are reviewable using the abuse of discretion standard. *Id.* An abuse of discretion occurs where the decision is clearly against the logic and effect of the facts and circumstances. *Id.*

Lawrence's sentence was not an abuse of discretion. He has an extensive and violent criminal history and has admittedly violated the conditions of his probation on a variety of grounds over an extended eight-month period. The trial court was within its discretion to conclude that such irresponsible and illegal behavior, in light of Lawrence's

criminal history, warranted revocation of probation and imposition of a two-year executed sentence, regardless of his newfound efforts to reform himself.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.